

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haeefe, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

March 11, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge  
United States District Court for the S.D.N.Y.  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees and counsel for the *Ashton* Plaintiffs ("Plaintiffs") respectfully request that, in considering the pending request for immediate unsealing and public docketing (ECF Nos. 9572, 9591, 9594, 9598), the Court include the Reply Memorandum in Support of Plaintiffs' Motion for Reconsideration and Rule 72 Objections ("Plaintiffs' Reply"), filed Friday, March 1, 2024 (ECF No. 9602), and unseal the document immediately.

Saudi Arabia and Dallah Avco have each advised that they do not oppose Plaintiffs' Reply being added to the list of items for which Plaintiffs request unsealing, nor do they oppose Plaintiffs' Reply being unsealed.

On March 1, 2024, we filed Plaintiffs' Reply under seal pursuant to the MDL umbrella protective order (ECF No. 1900), given that this Court has not yet resolved the parties' dispute about the timing of unsealing and public docketing.<sup>1</sup> Plaintiffs' original request to unseal (ECF No. 9572) included Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Reconsideration and Rule 72 Objections (ECF No. 9571), as to which Defendants also did not oppose the unsealing. For the same reasons addressed to the immediate unsealing of the parties' filings at ECF Nos. 9500, 9500-05, 9501, 9504, 9505, 9510, 9560, and 9571, all of which defendants agreed may be unsealed, Plaintiffs now extend their original request to include Plaintiffs' Reply.

Plaintiffs respectfully underscore the need for the Court to unseal all of the judicial records promptly. Particularly given that Saudi Arabia has filed its own opposition publicly, *see* ECF No. 9595, absent the Court's prompt action to unseal immediately the parties' filings (as well as the videos), Saudi Arabia's selective and misleading immediate public disclosure of some but not all of those materials

<sup>1</sup> Because nothing in Plaintiffs' Reply concerns FBI protected information, the FBI Protective Order (ECF No. 4255) is not implicated.



The Honorable Sarah Netburn  
March 11, 2024  
Page 2

---

seriously risks distorting the public's understanding of the proceedings and the litigation, leaving unchallenged Saudi Arabia's self-serving characterizations of the contents of those filings for a significant period of time. Such a delay of the totality of the materials, with only the Saudi-curated selections made public, would "undermine[] the benefit of public scrutiny and may have the same result as complete suppression." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 127 (2d Cir. 2006).

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Robert T. Haefele  
ROBERT T. HAEFELE  
JODI WESTBROOK FLOWERS  
DONALD A. MIGLIORI  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29465  
Tel.: (843) 216-9184  
Email: [rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)

*Liaison Counsel and Co-Chairs for the Plaintiffs'  
Executive Committee for Personal Injury and Death  
Claims on behalf of the Plaintiffs*

COZEN O'CONNOR

By: /s/ Sean P. Carter  
SEAN P. CARTER  
STEPHEN A. COZEN  
J. SCOTT TARBUTTON  
One Liberty Place  
1650 Market Street, Suite 2800  
Philadelphia, Pennsylvania 19103  
Tel.: (215) 665-2105  
Email: [scarter1@cozen.com](mailto:scarter1@cozen.com)

*Co-Chairs and Liaison Counsel of the Plaintiffs'  
Executive Committee for Commercial Claims on behalf  
of Plaintiffs*

KREINDLER & KREINDLER LLP

By: /s/ Megan Wolfe Benett  
MEGAN WOLFE BENETT  
STEVEN R. POUNIAN  
JAMES GAVIN SIMPSON  
485 Lexington Avenue  
New York, New York 10017  
Tel.: 212-687-8181  
Email: [spounian@kreindler.com](mailto:spounian@kreindler.com)

*Attorneys for Ashton Plaintiffs*

cc: The Honorable George B. Daniels, via ECF  
All Counsel of Record via ECF